



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

JAN 25 1999

Mr. Bob Held, CHMM  
Supervisor  
Spill and Waste Department  
3E Company  
4920 Carroll Canyon Road  
San Diego, California 92121

Ref. No. 99-0008

Dear Mr. Held:

This responds to your letter of January 4, 1999, concerning incident reporting requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask about the definition of "loading" as it applies to highway transportation of hazardous materials.

"Transportation" as defined in § 5102 of the federal hazardous materials transportation law (49 U.S.C. 5101-5127) is any movement of property by any mode, and any loading, unloading, or storage incident to the movement. "Loading" is not specifically defined in the law nor is it specifically defined in the HMR. For highway transportation of hazardous materials, "transportation" begins when a motor carrier accepts and assumes responsibility for a shipment.

The scenario presented in your letter involves a driver moving a manifested and labeled drum from a storage area to his vehicle. The driver's actions are an indication that the motor carrier has accepted the drum for shipment. Transportation of the shipment has therefore begun. The movement from storage area to vehicle is considered to be loading incidental to transportation, and reporting of the spill under §§ 171.15 or 171.16 of the HMR is required.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Thomas G. Allan  
Senior Transportation Regulations Specialist  
Office of Hazardous Materials Standards

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99-0008

VIA US Mail

January 4, 1999

Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards  
USDOT/RSPA  
400 7<sup>th</sup> Street  
Washington DC, 20590-0001

Dear Mr. Mazzullo,

I am looking for the definition of "loading" as it applies to the loading of hazardous materials and or waste via highway transportation. Specifically, as this term is referred to in 49 CFR 171.15 (a) and 171.16 (a).

Does loading begin when the drums are offered for transportation by the generator? Or does it begin when the driver of the vehicle is physically loading the drums onto a vehicle?

If a driver is moving a manifested and labeled drum along a side walk from a storage area to his vehicle and the drum falls off his hand truck and there is a spill of hazardous materials or waste, does this need to be reported under the sections referenced above?

I look forward to your response. If you have any questions, please feel free to contact me at (619) 677-0150.

Sincerely,

3E COMPANY

Bob Held, CHMM  
Supervisor  
Spill & Waste Department

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